

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Kathryn Floyd Causey,)
)
Plaintiff,)
) Civil Action No.: 4:13-cv-0970-RBH-TER
v.)
)
Officer M. Paitsel; Officer K.)
Ballard-Wolff; Diane L. Pieterse,)
Sergeant; Male Employee Belk,)
Unidentified,)
)
Defendants.)
)

ORDER

Plaintiff Kathryn Floyd Causey (“Plaintiff”), proceeding *pro se*, filed this action on April 11, 2013, alleging constitutional and state tort law claims against the above-captioned Defendants.¹ *See* Compl., ECF No. 1. On July 17, 2013, Defendant Male Employee Belk, Unidentified (“Defendant Male Employee”) filed a Motion to Dismiss. *See* ECF No. 33. Plaintiff timely responded to the motion on July 30, 2013, requesting that Defendant’s motion be denied. *See* ECF No. 39. Defendant Male Employee then filed an Amended Motion to Dismiss on October 1, 2013, *see* ECF No. 54, which mooted the previous motion and response, *see* Text Order, ECF No. 55. Plaintiff filed a timely response to the Amended Motion on October 23, 2013, requesting that the Amended Motion be denied. *See* ECF No. 59. The matter is before the Court for review of the Report and Recommendation (“R & R”) of United States Magistrate Judge Thomas E. Rogers, III, made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02 for the District of South Carolina. *See* R & R, ECF No. 69. In the Report and Recommendation, the Magistrate Judge recommends that the Court grant Defendant Male Employee’s Amended Motion and that he be dismissed without prejudice. *See id.* at 5.

¹ The Court previously dismissed, *without prejudice*, Defendants City of Myrtle Beach, City of Myrtle Beach Police Department, and Belk by Order dated July 2, 2013. *See* Order, ECF No. 30 at 2.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. *See* 28 U.S.C. § 636(b)(1).

No party has filed objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendations. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court reviews only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a thorough review of the record in this case, the Court finds no clear error. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted and incorporated by reference. Therefore, it is **ORDERED** that Defendant Male Employee’s Amended Motion to Dismiss, ECF No. 54, is **GRANTED**. Accordingly, Defendant Male Employee is **DISMISSED**, *without prejudice*.

IT IS SO ORDERED.

s/ R. Bryan Harwell

R. Bryan Harwell

United States District Judge

Florence, South Carolina

April 10, 2014